

RECEIVED MAY 21 2012 *ld*

MICHAEL L. ROBINSON

616-752-2128
FAX 616-222-2128

mrobinson@wnj.com

May 18, 2012

Via Federal Express

G. Marie Watts
Environmental Protection Specialist
U.S. Environmental Protection Agency
Superfund Division (SC-5J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: **PART II of Wolverine World Wide's Response to U.S. EPA' Request
for Information Pursuant to Section 104 of CERCLA for Wolverine
World Wide's Former Tannery Site (SSID: C593) in Rockford,
Michigan**

Dear Ms. Watts:

I write on behalf of Wolverine World Wide in response to the above-referenced request for information and documents (the "Request"). Enclosed with this letter are Wolverine's objections and responses to the Request and a compact disc containing electronic copies of all non-privileged documents in Wolverine's possession, custody, or control that were identified during review of Wolverine's documents as responsive to one or more items in the Request. As agreed with Mr. Tom Williams, this submittal is Part II of Wolverine's response to the Request. It includes responses to Request items 1, 2, 5, and 6. As agreed, Wolverine previously provided its responses to the other Request items (items 3, 4, 7, and 8) in Part I of its response, which was provided on April 12, 2012. If you have any questions about this response, please contact me. Thank you.

Very truly yours,

A handwritten signature in cursive script that reads "Michael L. Robinson".
Michael L. Robinson

Enclosures
8323311

Wolverine World Wide's Response to
U.S. EPA's Request for Information Pursuant to Section 104 of CERCLA for
Wolverine's Former Tannery Site (SSID C593) in Rockford, Michigan
PART II

As agreed with Mr. Tom Williams, this Response is Part II of Wolverine's response to the Request. It includes responses to Request items 1, 2, 5, and 6. Responses to the other items in the Request (3, 4, 7, and 8) were submitted in Part I of Wolverine's Response on April 12, 2012.

GENERAL OBJECTIONS

In responding to the Request, Wolverine has undertaken a diligent and good-faith search for and review of information and documents in its possession, custody, and control. That said, Wolverine does not represent or warrant that all responsive documents have been identified during this review, and Wolverine reserves the right to voluntarily supplement its responses at any time should additional information become available. Wolverine asserts the following general privileges, protections, and objections with respect to the Request.

1. Wolverine asserts all available privileges and protections, including the attorney-client privilege, the attorney work-product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, the confidential business information ("CBI") and trade secret protections, the joint defense privilege, and any other privilege or protection available to it under law. Wolverine is not providing privileged documents. In the event that a privileged or protected document has been inadvertently included among the documents produced in response to the Request, Wolverine asks that any such document be returned to Wolverine immediately.
2. Wolverine objects to Instruction 3 to the extent it seeks to require Wolverine to seek out responsive information from former employees and agents. Wolverine is providing information within its possession, custody, and control.
3. Wolverine objects to Instruction 5. Wolverine is responding to this Request with information within its possession, custody, and control, and Wolverine will similarly comply with any lawful future requests that are within EPA's authority. Wolverine reserves the right to voluntarily supplement its responses at any time should additional information become available.
4. Wolverine objects to Instruction 8. Requiring the certification specified in that instruction is beyond the EPA's 104(e) authority. Wolverine has undertaken a diligent and good-faith search for and review of information and documents in its possession, custody, and control. Subject to these objections, it is submitting all known, responsive, non-privileged information within its possession, custody, and control and is not knowingly submitting any false information. Wolverine reserves the right to supplement its responses at any time should additional information become available.
5. Wolverine objects to Instruction 9 and the Request's definition of "documents." Wolverine disclaims any responsibility to search for, locate, or provide EPA with copies of any

documents “known [by Wolverine] to exist,” or to identify documents that “have been transferred to others or have otherwise been disposed of” without Wolverine’s knowledge. Further, Wolverine objects to the definition of “documents” as overly broad and unduly burdensome. Wolverine is providing known, responsive, non-privileged information and documents within its possession, custody, and control.

6. Wolverine objects to the Request to the extent that it asks Wolverine to describe certain items in detail and to separately provide information that is contained in documents furnished to or already in the possession of the EPA. Documents that were previously provided to the EPA are provided again as a courtesy as part of this Response. But information sought by EPA that is set forth only in those documents is not separately stated in detail this Response. In those circumstances, to the extent that a more complete answer to such requests can be determined by examining the provided documents, the burden of that examination is the same for Wolverine and EPA. Requiring Wolverine to separately provide a detailed answer, rather than referring to the provided documents, would be unduly burdensome.

OBJECTIONS AND RESPONSES

1. Identify all persons consulted in the preparation of the answers to this Information Request and the questions herein.

Wolverine objects to this request as unduly burdensome and unreasonable. Many people were consulted in the preparation of these responses, but only a small number were consulted in a material capacity. The following persons were consulted in a material capacity in the preparation of these Responses:

- Michael L. Robinson
Warner Norcross & Judd LLP
111 Lyon St. NW, Ste. 900
Grand Rapids, MI 49503
Telephone: (616) 752-2128
E-Mail: mrobinson@wnj.com
- Scott M. Watson
Warner Norcross & Judd LLP
111 Lyon St. NW, Ste. 900
Grand Rapids, MI 49503
Telephone: (616) 752-2465
E-Mail: swatson@wnj.com

- Bryan Rose
President
Rose & Westra, Inc.
4328 Three Mile Rd. NW, Ste. 200
Grand Rapids, MI 49534
Telephone: (616) 791-9263
E-Mail: blrose@rosewestra.com
- John O'Brien
Director of Facilities
Wolverine World Wide, Inc.
9341 Courtland Dr. NE
Rockford, MI 49351
Telephone: (616) 863-3928
E-Mail: John.O'Brien@wwwinc.com
- David Huey
Engineering Maintenance Manager
Wolverine World Wide, Inc.
9341 Courtland Dr. NE
Rockford, MI 49351
Telephone: (616) 866-5617
E-Mail: David.Huey@wwwinc.com
- David Latchana
Associate General Counsel
Wolverine World Wide, Inc.
9341 Courtland Dr. NE
Rockford, MI 49351
Telephone: (616) 863-4226
E-Mail: David.Latchana@wwwinc.com
- Jim Harrison
Director of US Leather Operations
Wolverine World Wide, Inc.
9341 Courtland Dr. NE
Rockford, MI 49351
Telephone: (616) 866-7365
E-Mail: Jim.Harrison@wwwinc.com
- Bob Debusschere
Wet End Superintendent
Wolverine World Wide, Inc.
9341 Courtland Dr. NE
Rockford, MI 49351
Telephone: (616) 866-5743
E-Mail: Bob.Debusschere@wwwinc.com

- Charlotte DeVries
Paralegal I
Wolverine World Wide, Inc.
9341 Courtland Dr. NE
Rockford, MI 49351
Telephone: (616) 866-5538
E-Mail: Charlotte.DeVries@wwwinc.com
- Scott French
Facilities Engineering Manager
Wolverine World Wide, Inc.
9341 Courtland Dr. NE
Rockford, MI 49351
Telephone: (616) 866-5518
E-Mail: Scott.French@wwwinc.com

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to this Information Request, and provide copies of all such documents.

Wolverine objects to this request as unduly burdensome and unreasonable. Numerous documents were consulted in the preparation of this Response. Most of those documents were non-responsive, privileged, or both. Wolverine has provided in Part I of its Response, and is providing on the compact disc enclosed with Part II of its Response, non-privileged documents that are responsive to the Request.

5. Did you ever use, generate, store, treat, dispose, or otherwise handle at the Site any hazardous substances, wastes, or other materials? If the answer to the preceding question is anything but an unqualified “no,” for each such hazardous substance, waste or other material, describe in detail the nature and volume of the hazardous substance, waste or other material, and how it was used, generated, stored, treated, disposed or otherwise handled at the Site.

Wolverine objects to this request as unduly burdensome and unreasonable to the extent that it asks Wolverine to respond to matters beyond Wolverine’s knowledge or to produce documents or information not within its possession, custody, and control. Wolverine further objects to this Request to the extent that it asks Wolverine to make a present legal determination with respect to terms of art such as “generate,” “store,” “treat,” “dispose,” “hazardous substance,” and “hazardous waste.”

On the enclosed compact disc, Wolverine is providing documents that list materials used in tannery operations. The lists, which are broken down by period in Microsoft Excel spreadsheets, include the quantity (in pounds), item number, product name, and price per unit (pounds) of materials used at the Site during the period from 2005 to 2006. To Wolverine’s knowledge, the information in the documents on the enclosed compact disc is representative of materials used at the Site during periods of high-volume operation. To Wolverine’s knowledge, materials used during other time periods of tannery operation would have been substantially similar with respect to the nature of materials used, but would have differed with respect to

volumes used. Other years of tannery operations generally would have used lower volumes of materials than the volumes used during the 2005–2006 period, which was a relatively high-volume year for production.

Each of the listed materials was used in Site tannery operations. Those operations involved four main processes: tanning, coloring, finishing, and disposal at the wastewater treatment plant.

The main steps in the tanning process are as follows:

<u>Step</u>	<u>Description</u>	<u>Materials Used</u>
1) Soak/Degrease	Soak the skins in clean water to remove salt from curing and increase moisture. Also excess grease was removed at this step.	Busan 52 Sodium Tetrasulfide Soda Ash Pellvit LP
2) Lime	Remove hair and other keratinous matter. Remove interfibrillary fibres. Swell up and split up the fibres. Continue to remove grease and fat. Bring the collagen in the hide to a proper condition for tannage.	Lime Sodium Sulfides Sodium Sulfhydrate Tetrapol SEG Soda Ash FR62
3) Delime	Bring pH of the collagen down to a lower level so that the enzymes may act on it.	Ammonium Sulfide Tetrapol SEG Rohopon 6000
4) Bate	Treating the skins with enzymes to soften them.	Ammonium Sulfide Tetrapol SEG Rohopon 6000
5) Pickle	Bring the pH down to a very low level to facilitate the penetration of mineral tanning agents into the skins.	Salt Sulfuric Acid SM 10 P
6) Chrome Tanning	Convert the skins into a stable material which will not putrefy and suitable for a wide variety of end applications.	Busan 30 L Waynetan 175 Chemtan DN Tetrapol SEG Basificantem Morite AAOK Sodium Bicarb

The main steps in the coloring process are as follows:

<u>Step</u>	<u>Description</u>
1) Retanning	Combine the desirable properties of more than one tanning agent, in effect a second tannage.
2) Color	Various dye stuffs used to obtain a specific color. Properties such a waterproofing, stain resistance, etc. achieved in this step.
3) Fatliquoring	Process in which the fibers are lubricated for strength and softness.

After the coloring process, a finishing process occurred to add different effects and finishes to enhance the final leather product. Then disposal operations at the wastewater treatment plant utilized the following materials to treat the process wastes: Aluminium chloride, Bleach – Haviland, Bleach – Webb, Caustic Soda Webb & Haviland, Caustic Soda -Min.Masters, Ferric Chloride – Haviland, Ferric Chloride – Webb, Phosphoric acid-Haviland, Phosphoric acid-Webb, Harborlite Grade 1800, MMP-80. Any materials listed on the enclosed materials lists that were not used in the tanning or disposal operations were used in the coloring or finishing operations.

As explained in previous submissions, all liquid wastes at the Site, including wastes generated from the above processes, as well as stormwater and any waste from floor drains, were conveyed via process piping to a wastewater treatment plant. Such wastewater was treated in the wastewater treatment plant; treated wastewater was discharged to the municipal sanitary sewer system; and pressed sludge cakes from the onsite wastewater treatment plant were disposed of at an approved offsite landfill.

Other wastes generated at the Site were generated in relatively minimal quantities. These non-liquid wastes included the following: general office refuse (collected for disposal by general waste contractor, Waste Management); scrap steel, washed plastic drums, and shrink wrap (sent as scrap for recycling to Padnos Iron & Metal); waste oils, including hydraulic oil (collection and disposal company not known); cardboard (collected for recycling by general waste contractor, Waste Management); and dust-collector waste (collected for disposal by general waste contractor, Waste Management).

6. Describe Wolverine's waste management practices at the site, including the period antedating the construction of the wastewater treatment plant. In your response, identify any practices or incidents in which liquid wastes, off-specification liquid process materials or sludges were spilled, disposed of, buried, placed or stored upon the land at the Site, and identify the location of any such areas of spillage, placement or storage.

Wolverine objects to this request as unduly burdensome and unreasonable to the extent that it asks Wolverine to respond to matters beyond its knowledge or to produce documents or information not within its possession, custody, and control.

As explained in Response 5, Wolverine's waste management practice with respect to liquid waste was to convey all such waste to the onsite wastewater treatment plant. Wolverine currently has no knowledge of Site practices antedating the construction of the wastewater treatment plant. With respect to other wastes, Wolverine's practice was to dispose of them as described in Response 5.

Wolverine is not aware of any practices or incidents in which liquid waste, off-specification liquid process material or sludge was spilled, disposed of, buried, placed or stored upon the land at the Site. Wolverine is aware of only one spill in the tannery building. A 2007 malfunction of a sulfuric acid tank resulted in a spill of sulfuric acid into a barrier enclosing the tank. The barrier completely contained the spill such that the acid was not directed through floor drains to the wastewater treatment plant. Valley City Disposal collected the spilled acid and transported it to Envirite in Canton, Ohio, for recycling.

As explained in Part I of its Response, during tannery demolition Wolverine identified two conditions of soil contamination at the Site. One location was the space under the tannery maintenance area where the waste line to the wastewater treatment plant had broken. The broken line was identified as the source of any soil contamination and materials in the so-called "pit." Accordingly, the soil and materials were characterized as the same waste that had historically been treated at the wastewater treatment plant. They were completely removed down to the water table and disposed of offsite by Valley City Environmental at Ottawa County Farms Landfill in Coopersville, Michigan. The other location was directly under the primary clarifier tank at the wastewater treatment plant. In that location, there was a small amount of discolored soil that had the appearance and odor of tannery waste. This was characterized as tannery waste that may have leaked through a crack in the base of the clarifier. The discolored soil and material were removed and disposed of offsite by Valley City Environmental at Ottawa County Farms Landfill. In addition, during tannery demolition Wolverine's site investigations in the vicinity of a former boiler also identified a former UST area with minor soil contamination several feet deep with no relevant exposure pathway. Wolverine has continued to address all of these conditions through its ongoing site investigations, and it plans to undertake additional response actions under Michigan's cleanup law, Part 201 of the Michigan Natural Resources and Environmental Protection Act.

I certify under penalty of law that I have examined and am familiar with the information submitted in responding to the Request. To the best of my knowledge the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature: 

Name: JOHN O'BRIEN

Title: DIRECTOR OF FACILITIES

Date: 5/18/12

8323156